

United States District Court
for
Middle District of Tennessee

Report on Offender Under Supervision

Name of Offender: Derrick Smith

Case Number: 3:07-00133

Name of Sentencing Judicial Officer: Honorable William J. Haynes Jr., Chief U.S. District Judge

Date of Original Sentence: January 25, 2010

Original Offense: Convicted Felon in Possession of a Firearm

Original Sentence: 36 months' custody, 36 months' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: September 26, 2011

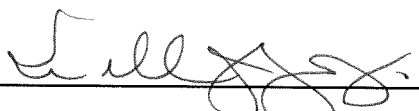
Assistant U.S. Attorney: William Deneke

Defense Attorney: Patrick Frogge

The Court orders:

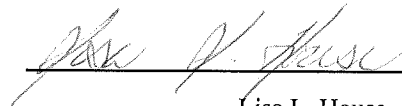
- ☒ No Action Necessary at this Time *as recommended*
☐ Submit a Request for Modifying the Condition or Term of Supervision
☐ Submit a Request for Warrant or Summons
☐ Other

Considered this 10th day of June, 2013,
and made a part of the records in the above case.



William J. Haynes Jr.
Chief U.S. District Judge

I declare under penalty of perjury that the
foregoing is true and correct.
Respectfully submitted,



Lisa L. House
U.S. Probation Officer

Place Clarksville, TN

Date June 4, 2013

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<u>The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia except as prescribed by a physician.</u>

Derrick Smith tested positive for the use of marijuana on February 8, 2013, February 13, 2013, and February 26, 2013. The toxicology report dated March 10, 2013, from Alere Toxicology Services determined that the positive urine screens collected on February 8, 2013, February 13, 2013, and February 26, 2013, were the result of reuse of marijuana and were not residual.

Compliance with Supervision Conditions and Prior Interventions:

Derrick Smith was sentenced to 36 months' custody to be followed by 36 months' supervised release for the offense of Convicted Felon in Possession of a Weapon on January 25, 2010. The term of supervised release commenced on September 26, 2011. Mr. Smith is currently employed by Brueno Cleaning, as needed, earning \$10 an hour. Mr. Smith was arrested in Clarksville, Tennessee on October 24, 2012, for the offense of Driving Under the Influence, Violation of Implied Consent, and Simple Possession. These cases are currently set for trial on May 29, 2013. This violation was reported to the Court in a petition dated December 11, 2012. The Court issued a summons on January 7, 2013.

A superseding petition was submitted to the Court dated February 12, 2013, alleging that the defendant tested positive for the use of marijuana on January 23, 2013. The Court signed the superseding petition on February 14, 2013. Mr. Smith surrendered pursuant to the summons on January 23, 2013, and a revocation hearing was set for February 15, 2013. A joint motion to modify the conditions of supervision to include the standard drug treatment program, and to cancel the revocation hearing was signed by the Court on February 14, 2013. Mr. Smith was referred for a substance abuse assessment, and random urine collection continued following the modification of his conditions. He tested positive for the use of marijuana again on February 8, 2013, February 13, 2013, and February 26, 2013. The probation office was not aware of the positive urine screens collected on February 8, 2013, and February 13, 2013, prior to the modification order being signed by the Court. A substance abuse assessment was completed on April 4, 2013. The therapist recommended that Mr. Smith be enrolled in intensive, outpatient treatment. He has been referred to begin the recommended treatment as soon as possible. Mr. Smith will be required to submit to monthly drug testing. A urine screen was collected on May 14, 2013, which tested negative for the use of controlled substances.

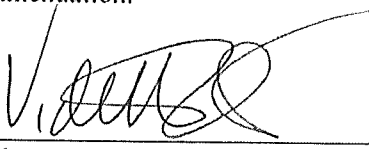
On May 29, 2013, he was sentenced to 11 months 29 days, serve 2 days with balance suspended upon good behavior and probation, complete DUI school, driver's license suspended for 1 year, and pay \$350 fine and cost for the aforementioned offense of Driving Under the Influence. The charges of Implied Consent and Simple Possession were dismissed. It should also be noted that Mr. Smith was arrested on March 22, 2013, in Dover, Tennessee, for violation of state probation. The state violation of probation results from his arrest in Clarksville, Tennessee, on October 24, 2012.

U.S. Probation Officer Recommendation:

Mr. Smith will be enrolled in intensive, outpatient substance abuse treatment and continue random drug testing. Should he fail to submit to treatment as directed or if there are any additional law violations, or positive urine screens, a separate petition will be prepared with a request for revocation proceedings to be initiated.

This case has been discussed with Assistant U.S. Attorney William Deneke who agrees with the probation officer's current recommendation.

Approved: _____


Vidette Putman
Supervisory U.S. Probation Officer